THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16592 of 2007

07.8.2007

Between:
E.Narayana Reddy, S/o.Venkat Reddy

…Petitioner

And

The District Collector, Chittoor District
And others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16592 of 2007

ORDER:

Petitioner's father allegedly purchased an extent of Acs.2.08 in survey No.92/2 under an agreement of sale dated 15.4.1976 from one Veerappa. Subsequently petitioner obtained a registered sale deed dated 26.6.1998 from the vendor. He also obtained Pattadar Pass Book (PPB) and Title Deed (TD). In 2000, when the respondents tried to disturb the possession, he filed O.S.No.126 of 2000 on the file of the Court of Junior Civil Judge, Kuppam, against respondents herein. The suit was dismissed. He then filed A.S.No.121 of 2006 on the file of the Court of the District Judge, Chittoor. He also sought *a d* interim injunction in I.A.NO.332 of 2006, which is still pending before the appellate Court. Therefore, he filed the instant writ petition seeking declaration that proposed action of the respondents in assigning the land to third parties is illegal and arbitrary.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (Assignment). As rightly pointed out by learned Assistant Government pleader, the writ petition is wholly misconceived. It is well settled that when once the suit is filed for redressal, a writ petition for similar relief would not lie. (See **Carl Still G.m.b.H v State of Bihar**[1]).

In this case, petitioner lost the suit and appeal is pending. He also filed I.A.No.332 of 2006, which is also pending. Even if the land is likely to assign to third parties, his remedy is to approach the appellate Court and seek injunction but writ petition simultaneously is not maintainable.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

August 07, 2007
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[1] AIR 1961 SC 1615